IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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C.R. No.4998 of 2007
Date of Decision:01.10.2007

Sher Singh

.....Petitioner

Vs.

Dev Raj

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. Rajesh Punj, Advocate for the petitioner.

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Rajesh Bindal, J.

The challenge in the present petition is to order dated 7.5.2007 passed by the Civil Judge, Junior Division, Ludhiana whereby the petitioner/ defendant has been debarred from cross-examining the plaintiff.

From perusal of the zimni orders passed by the Court below, it is evident that both the parties in the present case are quite casual. In a suit filed wayback in April, 2001, even the evidence of the plaintiff was closed by order of the Court on 20.3.2006. The petitioner/ defendant got three opportunities to cross-examine the plaintiff but failed to do so and ultimately the Court had to pass the impugned order on 7.5.2007 declining the petitioner/ defendant right to cross-examine the plaintiff.

Learned counsel for the petitioner submits that counsel for the petitioner/ defendant was out of country and in that situation cross-examination could not be conducted. However, he could not explain as to why immediate remedy was not taken when the impugned order was passed on 7.5.2007 and 2/3 dates of hearing were permitted to be passed before approaching this Court. Seeing the conduct of the petitioner/ defendant, I do not deem it appropriate to grant any further opportunity to the petitioner/ defendant to cross-examine the plaintiff. Accordingly, while upholding the impugned order passed by the Court below, the present petition is dismissed.

October 01, 2007 **(RAJESH BINDAL)**
renu **JUDGE**